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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD MCCLOSKEY,

Defendant.

Case No. 2:23-CR-00155-NDF

GOVERNMENT’S MOTION FOR PRELIMINARY ORDER OF FORFEITURE

COMES NOW THE UNITED STATES OF AMERICA, pursuant to Fed. R. Crim. P. 32.2(b)(2), and hereby moves this Court to enter a preliminary order of forfeiture as to the Defendant, Richard McCloskey. In support of this motion, the government states as follows:

I. Procedural Background

On November 15, 2023, the Defendant was indicted by a grand jury for the District of Wyoming. (Doc. No.19.). In the Indictment, the Defendant was charged with a sole count, Felon in Possession of Firearms in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(8), and 921(a)(3). (*Id.*).

The Indictment also contained a Forfeiture Notice that included any firearms and ammunition, including but not limited to, **(the “Subject Property”)**, involved in the commission of the offense charged, namely:

- a B&T MP7 suppressor bearing serial number US213136.

On March 20, 2024, the Defendant entered into a plea agreement with the United States. (Doc. No. 32.). In the plea agreement, the Defendant pled guilty to the sole count of the Indictment and consented to the forfeiture of the Subject Property listed in the Indictment and admitted that the Subject Property was involved in the offense charged in the Indictment. (Doc. Nos. 19, 32.).

On April 4, 2024, the Defendant pled guilty to the sole count of the Indictment. (Doc. Nos. 19, 36.). In the Plea Agreement the Defendant consented to the forfeiture of the Subject Property and admitted that the Subject Property was involved in the offense charged. (Doc. Nos. 19, 32.).

Accordingly, the United States now moves pursuant to Fed. R. Crim. P. 32.2(b) and 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and 26 U.S.C. § 5872, for the entry of a Preliminary Order of Forfeiture, forfeiting to the United States the Subject Property listed in the Indictment (Doc. No. 19.), namely:

- a B&T MP7 suppressor bearing serial number US213136.

Upon the issuance of a Preliminary Order of Forfeiture, the United States will publish notice of the Order on the government's official Internet website, www.forfeiture.gov, and will send direct notice to any person, other than the Defendant, that reasonably appears to have an interest in the Subject Property, advising such person of his or her right to file a petition contesting the forfeiture in accordance with Fed. R. Crim. P. Rule 32.2(c) and Supplemental Rule G(4) of the Federal Rules of Civil Procedure. This notice will state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

DATED this 22nd day of April 2024.

Respectfully submitted,

NICHOLAS VASSALLO
United States Attorney

By: /s/ Jonathan C. Coppom
JONATHAN C. COPPOM
Assistant United States Attorney

CERTIFICATE OF SERVICE

This is to certify that on this 22nd day of April 2024, I served a true and correct copy of the foregoing upon counsel via CM/ECF.

/s/ *Kebin Haller*

UNITED STATES ATTORNEY'S OFFICE